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The Honorable Kymberly K. Evanson

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, *ex rel.*
KHUSHWINDER SINGH,

Plaintiff,

v.

ALEDADE, INC., *et. al.*,

Defendants.

CASE NO. 21-cv-0410-KKE

FILED UNDER SEAL

Noted for Consideration on:
January 9, 2024

**UNITED STATES' NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America
hereby notifies the Court of its decision not to intervene in this *qui tam* action at this time. Although
the United States declines to intervene, the United States respectfully refers the Court to 31 U.S.C.
§ 3730(b)(1), which allows Relator to maintain the action in the name of the United States,
providing, however, that the “action may be dismissed only if the court and the Attorney General
give written consent to the dismissal and their reasons for consenting.” *Id.* The Ninth Circuit has

1 held that, notwithstanding this language, the United States has the right only to a hearing when it
2 objects to a settlement or dismissal of the action. *See United States ex rel. Green v. Northrop Corp.*,
3 59 F.3d 953, 959 (9th Cir. 1995); *United States ex rel. Killingsworth v. Northrop Corp.*, 25 F.3d 715,
4 723-25 (9th Cir. 1994). Accordingly, the United States requests that should either Relator or
5 Defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court
6 provide the United States with notice and an opportunity to be heard before ruling or granting its
7 approval.

8 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings
9 filed in this action be served upon the United States; the United States also requests that orders
10 issued by the Court be sent to the Government's counsel. The United States reserves its right to order
11 any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek
12 dismissal of Relator's action or claim under 31 U.S.C. § 3730(c)(2)(A). The United States also
13 requests that it be served with all notices of appeal.

14 Finally, the United States requests that Relator's Complaint and Amended Complaint, this
15 Notice, the attached proposed Order, and all other filings be unsealed.

16 A proposed order accompanies this notice.

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18 DATED this 9th day of January, 2024.

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20 Respectfully submitted,

21 BRIAN BOYNTON
Principal Deputy Assistant Attorney General

22 TESSA M. GORMAN
Acting United States Attorney

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I certify that this memorandum contains 317 words, in
compliance with the Local Civil Rules.